

## REMARKS

Applicants respectfully request consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed November 15, 2005. Claims 1-32 are rejected.

In this Amendment, Claims 1, 2, 8, 11, 12, 13, 19, 29, 26 and 27 have been amended. Claims 3, 4, 14, 15, 21, 22, 28 and 29 have been canceled without prejudice. New claims 33-38 have been added. No new matter has been added.

Applicants reserve all rights with respect to the applicability of the Doctrine of Equivalents.

### Rejections under 35 U.S.C. § 102(e)

The Examiner has rejected claims 1-2, 5-6, 8-13, 16-17, 19-20, 23-24 and 26-28, 30-31 under 35 U.S.C. §102(e) as being anticipated by U. S. Patent No. 6,850,496 of Knappe, et al. ("Knappe").

Applicants have amended independent claims 1, 8, 12, 19 and 26 to include the limitation, or a limitation similar thereto, of "wherein the data received from the first party is not received into a jitter buffer."

Applicants respectfully submit that Knappe does not teach or suggest this limitation. Knappe includes a disclosure of the following:

In FIG. 6, it is assumed that two remote endpoints are broadcasting voice data streams to system 46, and so two decoders 84 and 86 are employed, one per stream.... Jitter buffers 90, 92, and 94 receive the voice data streams output by decoders 84 and 86.

(Knappe, col. 6, lines 37-40; col. 7, lines 6-7).

FIGS. 13A and 13B show a high-level block diagram for an MCU implementing an embodiment of the invention for a three-way conference. FIG. 13A shows the section of the MCU that provides decoding, mapping, and

mixing.... FIG. 13A corresponds in large part to FIG. 6, with several significant differences. First, an additional processing stream is needed to process voice data from endpoint A (the additional stream consists of decoder 150, jitter buffers 152 and 154, and channel mapper 156).

(Knappe, col. 12, lines 15-26) (emphasis added).

Thus, Knappe discloses that in a three-way conference, the originating subscriber (Knappe's "endpoint A") is also received into a jitter buffer. In contrast, independent claims 1, 8, 12, 19 and 26, as amended recite that the data received from the first party is not received into a jitter buffer.

Therefore, Knappe does not teach or suggest each and every limitation of independent claims 1, 8, 12, 19 and 26, and as such does not anticipate independent claims 1, 8, 12, 19 and 26 and associated dependent claims.

#### Rejections under 35 U.S.C. § 103(a)

The Examiner has rejected claims 7, 18, 25 and 32 under 35 U.S.C. §103(a) as being unpatentable over Knappe in view of U. S. Patent No. 6,816,469, of Kung, et al. ("Kung"). Applicants respectfully submit that Knappe and Kung, either individually or in combination, do not teach each and every element of these claims.

As discussed above, Knappe does not teach or suggest that the data received from the first party is not received into a jitter buffer, and Kung does not supply this missing element.

Kung discloses that a call waiting call may be added to an existing conference call. (Kung, Abstract). Kung also does not teach that the data received from the first party is not received into a jitter buffer as claimed.

Further, in addition to maintaining that the Examiner's combination does not teach or suggest all elements in applicants' claims, applicants respectfully submit that the combination of Knappe and Kung is improper. The Examiner states that "[o]ne skilled in the art would

have been motivated by Kung et al to include "call waiting feature" into the teaching of Knappe et al to enable dynamic joining to existing conference call." (Office Action dated 11/15/05, p. 4). The office action cites no hints or suggestions in either reference that actually suggests the combination of these two references. The Examiner appears to have taken a desired end result, as recited in applicants' disclosure, and stated that a combination of Knappe and Kung achieves this end result. Such a position is impermissible hindsight based on applicants' disclosure.

Therefore, Knappe and Kung, either individually or in combination, do not render obvious applicants' invention as claimed in independent claims 1, 12, 19 and 26 associated claims 7, 18, 25 and 32. Accordingly, applicants respectfully request the withdrawal of the rejection.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Lester Vincent at (408) 720-8300.

#### New claims

Applicants submit that new claims 33-38 are allowable at least for the same reasons as those set forth for independent claims 1, 8, 12, 19 and 26.

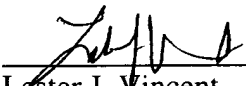
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then applicants hereby request such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP

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